

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SAMUEL L. TUCCIO,  
:

Plaintiff,  
:

– against –  
:

U.S. SECURITY ASSOCIATES, INC.,  
:

Defendant.  
:  
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ORDER  
10-CV-1714 (JFB)(GRB)

JOSEPH F. BIANCO, District Judge:

On April 14, 2010, *pro se* plaintiff Samuel L. Tuccio (“plaintiff”) filed the complaint in this action against U.S. Security Associates, Inc. (“defendant”). On July 8, 2010, defendant filed a motion to dismiss the complaint. Plaintiff filed an opposition to defendant’s motion to dismiss on August 9, 2010, and defendant filed a reply in further support of its motion on August 23, 2010. On February 8, 2011, the Court held oral argument on defendant’s motion and orally denied defendant’s motion to dismiss the complaint. The case proceeded to discovery under the direction of Magistrate Judge Lindsay, and defendant filed an answer to the complaint on February 18, 2011. On November 18, 2011, Magistrate Judge Brown was added to the case and, from that point on, handled discovery.

On May 15, 2012, defendant filed a motion for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure. Plaintiff filed a declaration in opposition to defendant’s motion on June 15, 2012, and defendant filed a reply in further support of its motion for summary judgment on June 29, 2012. By Order dated October 16, 2012, the Court referred the motion for summary judgment to Magistrate Judge Brown for a Report and Recommendation.

On February 27, 2013, Magistrate Judge Brown issued a Report and Recommendation (the

“R&R”), recommending that defendant’s motion for summary judgment be granted in its entirety. The R&R further instructed that any objections to the R&R be submitted within fourteen (14) days of service of the R&R. (*See* Report and Recommendation dated Feb. 27, 2013, at 14-15.) As indicated by the docket sheet, a copy of the R&R was mailed to plaintiff by Magistrate Judge Brown’s Chambers on February 27, 2013. (*See* ECF No. 100.) No objections have been filed to date, although the date for filing any objections has expired.

A district judge may accept, reject, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge. *See DeLuca v. Lord*, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994); *Walker v. Hood*, 679 F. Supp. 372, 374 (S.D.N.Y. 1988). As to those portions of a report to which no “specific written objections” are made, the Court may accept the findings contained therein, as long as the factual and legal bases supporting the findings are not clearly erroneous. *See* Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997).

Having conducted a review of the full record and the applicable law, and having reviewed the R&R for clear error, the Court adopts the findings and recommendations contained in the well-reasoned and thorough R&R in their entirety. Even under a *de novo* standard, the Court adopts the R&R in its entirety. Accordingly, IT IS HEREBY ORDERED that defendant's motion for summary judgment is granted. The Clerk of the Court shall enter judgment accordingly and close the case. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith; therefore, *in forma pauperis* status is denied for purposes of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

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JOSEPH F. BIANCO  
UNITED STATES DISTRICT JUDGE

Dated: March 18, 2013  
Central Islip, New York